IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11761 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HEIRS AND LRS OF DECD. DAHYA- BHAI MAFATLAL PATEL

Versus

CHHANABHAI AMBALAL PATEL

Appearance:

1. Special Civil Application No. 11761 of 2003

MR MEHUL SHARAD SHAH for Petitioner No. 1-1/2/3

MR RC JANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/10/2004

ORAL JUDGEMENT

Rule. Mr.R C Jani learned advocate waives service of rule on behalf of the respondent. With the consent of learned counsel for the parties, the matter is

taken up for hearing today.

2. The petitioners herein have preferred this petition in order to quash and set aside the order dated 14/03/2000 passed by the learned 2nd Extra Assistant Judge, in Civil Misc. Appeal No.20 of 2000 and to confirm the order dated 31/12/1999 passed by the learned Civil Judge (J.D.), Mehsana, below application exh.5 in Regular Civil Suit No.34 of 1999.

3. On 11/08/2003, while issuing notice, this Court had granted ad-interim relief in terms of Para 12-(B) of the petition. In the interest of justice, it would be appropriate if the petitioners are directed to prefer an application before the trial Court for early hearing of the suit in question, without disturbing the status quo position, till the final disposal of the said suit.

4. Hence, the petitioners are directed to make an application before the trial Court for early hearing of the suit. On receipt of such an application from the petitioners, the trial Court shall try to expedite and dispose of the said suit as expeditiously as possible, preferably within a period of three years from the date of receipt of writ of this order. This Court has granted a period of three years for the disposal of the suit mainly on the ground that the suit in question is of the year 1999. Both the sides are directed to maintain status quo till the final disposal of the suit.

5. With the above directions, the petition stands partly allowed. Rule is made absolute to the above extent with no order as to costs.

(K. S. Jhaveri, J.)
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